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September 30, 2011

Via E-Mail

P. Joseph Grindstaff, Executive Officer
Delta Stewardship Council
980 9th Street, 15th Floor
Sacramento, CA 95814

Re: Comments on the Fifth Draft Delta Plan

Dear Mr. Grindstaff:

We appreciate the opportunity to review and provide comments on the fifth draft of the Delta Plan.

The comments provided below include both general comments which apply to chapters or the entire document as well as specific comments with page and line numbers provided.

Chapter 3: Governance: Implementation of the Delta Plan

General Comments

- Clarification is needed as to how covered actions will be addressed and how the consistency/appeal processes may differ for actions not related to ecosystem restoration such as economic development, recreation, tourism, agricultural, etc.
- Clarification is needed regarding thresholds for covered actions. Will the CEQA/NEPA thresholds apply to potential covered actions? Will there be thresholds that designate minimum requirements for covered actions so that small projects (i.e. signage) are exempt from the consistency determination process?
- Clarification is required regarding timing of CEQA/NEPA processes and the Delta Plan's consistency determination/appeal processes. Are these concurrent processes and if not, at what point should the consistency/appeal process begin? The Conservancy recommends that these processes be concurrent and that change thresholds be developed for reinitiating consistency determinations.

- It should be recognized that the appeals process outlined in the Delta Plan will cause a significant delay (up to 6 months) in the implementation of most, if not all, restoration projects in the Delta. This is further justification for making the process concurrent with CEQA/NEPA.
- More exemptions are needed and should be listed under the Covered Actions requirement of the Delta Plan. This list needs to be developed with input from agencies and organizations responsible for required work/projects/actions in the Delta.
- The description of how the DSC intends to establish and oversee the committee of agencies responsible for implementing the Delta Plan leaves many unanswered questions:
 - What are the agencies the DSC considers as responsible for implementing the Delta Plan?
 - How does the DSC anticipate this committee will operate?
 - What sorts of decisions or conversations would this committee have, and would it have any review or decision making authority regarding the Delta Plan?
 - Would this committee serve as an advisory committee to the Council for its consistency determinations?
 - Will there be local agency participation on this committee?
 - Is there a charter being developed for this committee?
 - Where will funding come from for this committee?
- Per the discussion at the Covered Actions and Governance Work Session on September 15, 2011, the Delta Conservancy would support the idea of a stakeholder advisory group to the DSC. The stakeholder group would ensure equal representation of Delta interests, including those of local entities. Stakeholder meetings must be well-planned, meaningful, and open to the public and should include opportunities for decision-making processes in addition to informational updates.

Chapter 5: Restore the Delta Ecosystem

General Comments

- This chapter should include a thorough discussion of tradeoffs inherent in ecosystem restoration, including potential impacts on agriculture, other related economic impacts and the need for regulatory flexibility to avoid such impacts.
- The summary of Chapter 5 in the Preface states, “Coordinate large-scale ecosystem restoration planning through the Delta Conservancy.” This statement should be reiterated in Chapter 5.



Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit
117:29-37 ERP3	This policy as written could result in negative impacts to farmers in the future as they seek to make changes to crops grown and to financing opportunities that will allow them to remain economically viable. In addition, the Delta Conservancy recognizes that this policy could present challenges in its ability to meet its dual mandates of ecosystem restoration and economic development, including protecting and preserving agriculture in the Delta.
127, 4-6	<p>The Delta Conservancy and others develop and adopt clear strategies (including prioritization) and spatial and temporal targets (locations, number of acres, schedule) for large-scale Delta ecosystem restoration.</p> <p>This section implies that the DC will be the lead for development of spatial and temporal targets. Our expectation is that restoration targets will come from the BDCP (if ultimately deemed consistent with the Delta Plan) and that the Delta Conservancy will play a significant role, along with DWR, DFG, BDCP, and DPC, in coordinating, integrating and implementing the targets.</p>

Chapter 7: Reduce Risk to People, Property, and State Interests in the Delta

Page; Line No.	Comment, Suggested Addition, or Edit
165, 10-32	Policies RR P1 & 2 should recognize the ecosystem and flood protection benefits provided by agricultural lands and provide flexibility accordingly.
173, 19-21	<p>The Department of Water Resources, in conjunction with the Department of Fish and Game and Delta Conservancy, should adopt criteria to define locations for future setback levees in the Delta and Delta watershed.</p> <p>This language is more consistent with our expectations, but should include BDCP and DPC.</p>

Chapter 8: Protect and Enhance the Unique Cultural, Recreational, Natural Resources, and Agricultural Values of the Delta as an Evolving Place

General Comments

- Recognizing this chapter is still under development, we look forward to more detailed, informative and inclusive language in the 6th draft Plan.
- The Delta Conservancy was formed by the legislation that mandates the completion of the Economic Sustainability Plan. The Conservancy is tasked with increasing economic development, recreation and tourism in the Delta and should be referenced in this chapter and throughout the document as appropriate.



- Recommendations described in CA Department of Parks and Recreation’s “Recreation Proposal for the Sacramento-San Joaquin Delta & Suisun Marsh” should be better integrated into the Delta Plan.

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit
192: 28	Add the following text “The region’s productive farms and wineries and its diverse ethnic heritage are a basis for food and wine tourism, and for community festivals and other special events.”
193:Figure 8-1	Colors used for recreational categories are difficult to differentiate on the map, a better description of recreational categories is needed (i.e. water facility, land facility).
196:39-40	In Chapter 5 the Delta Plan explicitly recognizes the Delta Conservancy’s role in ecosystem restoration in the Delta. Chapter 8 needs to similarly recognize the Delta Conservancy’s role in economic development as described in the Conservancy’s mandates (Public Resources Code sections 32301(a) (i) and 32322(b)) and should be described in this section of Chapter 8.
199: 6-23	The Delta Conservancy should be added to this list of agencies. Per its legislative mandates, the Conservancy is charged with; protecting and preserving Delta agriculture and working landscapes, increasing opportunities for recreation and tourism, promoting legacy communities and economic vitality in the Delta. Specifically, the Delta Conservancy is charged with “protecting, conserving and restoring the region’s physical, agricultural, cultural, historical and living resources”. These activities will be done in conjunction with other appropriate local and state agencies. Consistent with its mandates, the Delta Conservancy will strive to conduct its programs in a complementary manner. Specifically, programs related to ecosystem restoration will be developed in a manner that minimizes impacts to the Delta’s economic base including agriculture.
199:6-23	Add a new recommendation. Public agencies owning land in the Delta should explore increased opportunities, where feasible, for bank fishing, hunting, levee top trails and environmental education.
199:11-13 DPR3	Reword to “Designation of State Highway 160 as a National Scenic Byway should be explored. Highway 160 is already designated as a State Scenic Highway. The National Scenic Byways Program seeks to help recognize, preserve and enhance selected roads throughout the United States. The National Scenic Byways Discretionary Grants program provides funding for byway-related projects which could be applied for and used in the Delta.”



Chapter 9: Finance Plan

General Comments

- Funding references for Delta Conservancy activities need to be expanded from ecosystem restoration only to include other mandated activities such as economic development, support for agriculture/working landscapes, recreation, tourism, etc. that are also addressed in the Delta Plan.
- Total dollar amounts listed in Chapter 9 need to be compared to those in Appendices I and J to eliminate discrepancies.

Specific Comments

Page; Line No.	Comment, Suggested Addition, or Edit
Page 206, Lines 26-30:	List of activities needing targeted finance plans should include economic development and long-term operations and maintenance for ecosystem restoration projects or lands.
Page 208, Lines 26 and 32:	Numbers in Appendix J (Table J-1) indicate a Science Program need of \$25.75 million for FY 12-13 and FY 13-14, reducing to \$25.47 million for FYs 14-15; 15-16; and 16-17. Where would the additional \$2 million be spent and what are the sources of those funds?
Page 208, Lines 34-35:	How did the DSC arrive at the \$10 million figure for Conservancy administration? Also, Table J-1 indicates that Operations and Administration is \$1.96 million, and projects are \$10 million; it seems the number should either be \$11.96 million or \$1.96 million when addressing Conservancy administration.
Page 211, Lines 36-42:	Table J-1 shows \$10 million for 5 years, equaling the \$50 million mentioned in this recommendation. Current text can be interpreted as \$50 million per year for the next 5 years.
Page 212, Lines 1-3:	The Delta Reform Act of 2009 authorized the Delta Protection Commission to conduct the Economic Sustainability Plan and develop the Delta Investment Fund (PRC 29778.5) to fund programs developed by that plan. The Act also authorized the Delta Conservancy to establish the Sacramento-San Joaquin Delta Conservancy Fund, which also could fund programs based on the ESP (PRC 32360(b)(3)). The Conservancy should be included in this item for funding from the Legislature for economic development.



	<u>Appendix I: Funding Sources</u>
Page 4, Lines 21-43:	Text in this section should be broadened to include rice farming and other innovative agricultural practices as ways of developing carbon offsets in addition to meeting other economic development (agriculture) goals in the Delta.
Page 4, Lines 21-43:	Text should also link back to page 211; lines 43-44 to acknowledge that the Delta Conservancy and other appropriate agencies will play a role in investigating and supporting various means of generating carbon offsets.
Page 7, Line 1:	Delete the word “be” before apply.
Page 7, Line 6:	Something seems to be missing in this sentence: either adds “special diversion” before charges or “for” or “to” after charges.
Page 7, line 32:	Change Delta Protection Council to Delta Protection Commission
	<u>Appendix J: Projected 5 Year Budgets</u>
Table J-1, first page:	There should be figures in the line item Strategic Plan Development. The Conservancy will be spending approximately \$250,000 in FY 11-12 for its strategic plan; an update to the strategic and implementation plans would be due in FY 16-17, so funding should be included in that column as well. The Conservancy expects that the FY 16-17 funding would be approximately \$500,000.

Again, thank you for the opportunity to review the draft Delta Plan and to provide comments. We will continue to be actively engaged in this process and look forward to the release of the next draft document.

Sincerely,



Campbell Ingram
Executive Officer

CC: Sacramento-San Joaquin Delta Conservancy Board

